



MEMORANDUM
City of Beaverton
Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: Tuesday, August 6, 2013
cc: PTF2013-0001, SDM2013-0004, TP2013-0005
Subject: ***Notice of Decision for Rose Biggi Extension, Crescent to Hall***

Please find attached the notice of decision for PTF2013-0001, SDM2013-0004, TP2013-0005 Rose Biggi Extension, Crescent to Hall. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for PTF2013-0001, SDM2013-0004, TP2013-0005 Rose Biggi Extension, Crescent to Hall is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250, as established by resolution of the City Council.

The appeal closing date for PTF2013-0001, SDM2013-0004, TP2013-0005 Rose Biggi Extension, Crescent to Hall is Monday, August 19, 2013.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 2nd Floor, City Hall, 4755 SW Griffith Drive between 7:30 a.m. and 12:00 p.m. and 1:00 p.m. and 5:00 p.m., Monday through Friday, excluding holidays. For more information about the case file, please contact Jana Fox, Associate Planner, at (503) 526-3710.

STAFF REPORT

DATE: August 6, 2013

STAFF: Jana Fox, Associate Planner

PROPOSAL: **Rose Biggi Extension, Crescent to Hall (PTF2013-0001, SDM2013-0004, TP2013-0005)**

LOCATION: Continuation of SW Road Biggi Avenue from its current terminus north of SW Crescent Street to SW Hall Boulevard.

SUMMARY: The City of Beaverton requests approval to extend SW Rose Biggi Avenue from its current terminus north of SW Crescent Street to SW Hall Boulevard. The street extension requires Public Transportation Facility and Sidewalk Design Modification approvals. Tree Plan Two approval is also sought for the removal of fourteen (14) community trees along Beaverton Creek to accommodate the new bridge and roadway. Revegetation is proposed along Beaverton Creek in association with this project.

APPLICANT: City of Beaverton
Attn: Jim Brink
PO Box 4755
Beaverton, OR 97076

DECISION CRITERIA: Development Code Sections 40.03.2 *Facilities Review*, 40.57.15.1.C *Public Transportation Facility*, 40.58.15.C *Sidewalk Design Modification* and 40.90.15.2.C *Tree Plan Two*.

RECOMMENDATION: **Approval of PTF2013-0001, SDM2013-0004, TP2013-0005 (Rose Biggi Extension, Crescent to Hall)**, with conditions of approval in Attachment E.

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Date	240-Day*
PTF2013-0001	May 29, 2013	June 19, 2013	October 17, 2013	January 24, 2013
SDM2013-0004	May 29, 2013	June 19, 2013	October 17, 2013	January 24, 2013
TP2013-0005	May 29, 2013	June 19, 2013	October 17, 2013	January 24, 2013

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Regional Center-Transit Oriented (RC-TO)	
Current Development	The area to be developed for SW Rose Biggi Avenue and SW Westgate Drive is currently a combination of private driveways and parking areas.	
Site Size	Approximately 1000 lineal feet of SW Rose Biggi Avenue and SW Westgate Drive.	
NAC	Central Beaverton NAC	
Comprehensive Plan	<p>Land Use: Regional Center</p> <p>Street Functional Classification Plan: SW Rose Biggi Avenue and SW Westgate Drive are classified as Collector Streets.</p> <p>Street Improvement Master Plan: The Transportation System Plan Street Improvement Master Plan identifies the extension of SW Rose Biggi Avenue and SW Westgate Drive, as proposed.</p> <p>Pedestrian & Bicycle Master Plan and Action Plans: The Transportation Element identifies the proposed Rose Biggi Extension with the additional of sidewalks and bikeways.</p>	
Surrounding Uses	<p>Zoning:</p> <p>North: Regional Center-Transit Oriented (RC-TO)</p> <p>South: Regional Center-Transit Oriented (RC-TO)</p> <p>East: Regional Center-Transit Oriented (RC-TO)</p> <p>West: Regional Center-Transit Oriented (RC-TO)</p>	<p>Uses:</p> <p>North: Commercial, Office</p> <p>South: Commercial, Office, Attached Residential</p> <p>East: Commercial, Office</p> <p>West: Commercial, Office</p>

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS	PAGE
Attachment A: Facilities Review Committee Analysis and Recommendations	FR1-FR5
Attachment B: PTF2013-0001 Rose Biggi Extension	PTF1-PTF3
Attachment C: SDM2013-0004 Rose Biggi Extension	SDM1-SDM3
Attachment D: TP2013-0005 Rose Biggi Extension	TP1-TP6
Attachment E: Recommended Conditions of Approval	COA1-COA3

EXHIBITS

Exhibit 1. Comments Received

No Comments Received

**FACILITIES REVIEW COMMITTEE
TECHNICAL REVIEW AND RECOMMENDATIONS
Rose Biggi Extension, Crescent to Hall
(PTF2013-0001, SDM2013-0004, TP2013-0005)**

Section 40.03 Facilities Review Committee:

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Staff Report, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the submitted applications as identified below:

Section 40.03.2

A. *The transportation facility, as proposed or modified, conforms to the Transportation System Plan.*

The applicant states that the extension of Rose Biggi Avenue is identified as an important downtown circulation improvement because it provides critical north-south capacity, connectivity, and access. Staff concurs with the applicant that the extension of Rose Biggi Avenue is an important identified transportation facility.

A traffic impact analysis is not required. The Rose Biggi extension is a planned facility as indicated in the Beaverton Transportation System Plan and the street is designed to accommodate future traffic volumes as indicated in the TSP forecasts. Furthermore, the project is included in the Regional Transportation Plans Financially Constrained Project List (RTP #10616). The new street will increase the transportation system's vehicle, bicycle and pedestrian capacity and provide improved north/south connectivity in the vicinity.

Therefore, the Committee finds that the proposal meets the criterion for approval.

B. *There are safe and efficient vehicular and pedestrian circulation patterns within the project boundaries.*

The applicant states that the proposed street extension completes the vehicular circulations system along Rose Biggi Avenue from Crescent Street to Hall Boulevard. Additionally the pedestrian circulation system will be enhanced by the Rose Biggi Avenue extension, including the use of curb bulb outs to decrease the width of pedestrian street crossings. Staff concurs that the proposed street

design allows for emergency vehicle access to all lots, while separating pedestrian and vehicle traffic.

Therefore, the Committee finds the proposal meets the criterion for approval.

- C. *The proposed development is consistent with all applicable provisions of Chapter 60 (Special Requirements) and all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are in place.***

The subject proposal is for the extension of a public street, SW Rose Biggi Avenue. Staff cites the Code Conformance Analysis at the end of this report with regard to the proposal's conformance with Chapter 60. The chart concludes that the proposal meets the applicable sections of Chapter 60.

Section 60.30 Off-Street Parking

The applicant provides a table showing the required and actual parking spaces for each of the properties affected by the proposed street extension. A total of 53 parking spaces will be removed from private properties due to the street extension. All sites, with the exception of Beaver Creek Village, will maintain more than the Development Code specified minimum required off-street parking spaces. During construction, 45 temporary parking spaces will be provided on the Westgate Theater site for the sites affected by the street extension. These temporary parking spaces will no longer be available once the street extension construction is complete.

Section 60.55 Transportation Facilities

Traffic

Please see Section A.

Street, Bicycle, and Pedestrian Connections

The extension includes vehicle connections via two travel lanes and pedestrian connectivity via curb tight sidewalk on both sides of the street. The travel lanes and sidewalk provide for shared bicycle connections.

Street Width

The proposed design includes two 12-foot wide travel lanes, 9.5 foot wide sidewalks on both sides of the street, 8-foot wide on-street parking stalls, street trees, and curb bulb-outs for a mid-block pedestrian crossing. Rose Biggi is classified as a Collector Street, which typically requires striped bike lanes and planter strip per the Beaverton Engineering Design Manual. However, the proposed design is more appropriate, and acceptable to the City Engineer, for the pedestrian oriented nature of the high density RC-TO zone while still accommodating bicycle traffic.

Access

The proposal shows the reconstruction of two driveways along the east side of Rose Biggi Avenue. The proposed driveway that is nearest to the Westgate Drive/Rose Biggi intersection does not meet the minimum 150 foot

intersection/driveway spacing requirement per the Beaverton Engineering Design Manual Section 210.13.C. Staff recommends, as a condition of approval, that the applicant submit a revised plan showing the driveway located at a distance further from the intersection that is acceptable to the City Engineer (a distance of approximately 80 feet from the intersection).

Transit

No bus lines run along Rose Biggi Avenue. The project is approximately 500 feet from the Beaverton Central Max Light Rail Station. The nearest bus stop is located on Hall Boulevard just north of the project terminus at Hall Boulevard. No new transit facilities are proposed or recommended.

Therefore, the Committee finds the proposal meets the criterion for approval.

- D. Adequate means are provided or proposed to be provided in a satisfactory manner, to ensure continued periodic maintenance and replacement of the following, as applicable: drainage facilities, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities.***

The applicant states that the City of Beaverton will maintain all public improvements within the right-of-way and private and utility companies will maintain any of their facilities within the public right-of-way. The street will be included in the City's maintenance budget and maintained according to the City's adopted maintenance schedule and practices.

Therefore, the Committee finds the proposal meets the criterion for approval.

- E. The proposed transportation facility connects to the surrounding circulation systems in a safe, efficient, and direct manner.***

The proposed extension of SW Rose Biggi Avenue will connect to SW Hall Boulevard at an existing signalized intersection. The SW Rose Biggi extension will connect to the current public terminus of SW Rose Biggi Avenue and to SW Westgate Drive. All connections will be made in a safe, efficient and direct manner.

Therefore, the Committee finds the proposal meets the criterion for approval.

- F. The proposed transportation facility or modification thereof will provide adequate fire equipment facility access and turnaround area, as well as adequate street lighting for crime and accident prevention as well as***

protection from hazardous conditions due to inadequate, substandard or ill-designed development.

The applicant states that fire equipment access will improve with the extension of SW Rose Biggi Avenue as it has been designed to accommodate fire apparatus. Tualatin Valley Fire and Rescue have reviewed the propped street extension and have no comments or conditions. Street lighting will be installed City standards. Staff concurs that the proposed facility will provide fire equipment access and is designed in conformance with City standards.

Therefore, the Committee finds the proposal meets the criterion for approval.

G. Grading and contouring are the minimum necessary to accommodate the proposed transportation facility, while mitigating adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.

The applicant states that in most locations grading will occur within the right-of-way; however, grading will extend beyond the right-of-way line to match existing grades at proposed driveways and private sidewalks. Temporary construction easements for grading outside the public right-of-way have been obtained.

Additional grading will occur in the vicinity of the new bridge and the adjacent natural areas as the new bridge will be raised to be one foot above the ten year flood elevation, approximately 4.2 feet higher than the current bridge. Clean Water Services has issued a service provider letter for the proposed work, including revegetation of disturbed natural areas.

Therefore, the Committee finds the proposal meets the criterion for approval.

H. Access and facilities for physically handicapped people are maintained and/or incorporated into the subject transportation facility, with particular attention to providing continuous, uninterrupted access routes.

The applicant states that access and facilities for physically handicapped people are maintained and incorporated into the project, with particular attention providing continuous, uninterrupted access routes. Staff concurs that the proposal includes access for physically handicapped persons.

Therefore, the Committee finds the proposal meets the criterion for approval.

I. The application includes all required submittal materials as specified in Section 50.25.1 of the Development Code.

The applicant submitted the applications on May 29, 2013 and was deemed complete on June 19, 2013. In the review of the materials the Committee finds

that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee finds the proposal meets the criterion for approval.

Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	No development is proposed.	N/A
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The applicant has provided a No-Rise Certificate.	YES
Development Code Section 60.12			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development credits requested.	N/A
Development Code Section 60.30.10			
Off-street motor vehicle parking-	Requirements for the number of off-street motor vehicle parking spaces.	See findings under criterion C.	YES
Required Bicycle Parking Short Term Long Term	Requirements for the number of bicycle parking spaces.	The proposal does not impact required bicycle parking.	N/A
Development Code Section 60.55			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	See Public Transportation Facility section of the staff report.	See PTF
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	See Tree Plan section of the staff report	See TP
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	Existing utilities will be undergrounded.	YES

ANALYSIS AND FINDINGS FOR PUBLIC TRANSPORTATION FACILITY

Section 40.57.05. Public Transportation Facility; Purpose

The purpose of the Public Transportation Facility application is to establish a process for review of new construction or significant expansion of major transportation facilities.

Section 40.57.15.1.C. Approval Criteria:

In order to approve a Public Transportation Facility application, the Decision Making Authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Public Transportation Facility application.*

The applicant's proposal for the extension of SW Rose Biggi Avenue, a collector street, would connect the existing terminus of SW Rose Biggi Avenue to SW Hall boulevard with a connection to SW Westgate Drive. The proposal involves the acquisition of right of way from adjacent properties as well as construction staging areas. The proposal meets thresholds 1 through 3 of the Public Transportation Facility Application.

Therefore, staff finds the proposal meets the criterion for approval.

2. *All City application fees related to the application under consideration by the decision making authority have been submitted.*

The applicant has paid the applicable fee for a Public Transportation Facility application.

Therefore, staff finds the proposal meets the criterion for approval.

3. *The proposal contains all applicable application submittal requirements specified in Section 50.25.1 of the Development Code.*

The applicant has submitted all the materials required by Section 50.25.1 of the Development Code.

Therefore, staff finds the proposal meets the criterion for approval.

4. *The proposal meets all applicable design standards for the classification of the subject road as specified by the Engineering Design Manual and Standard Drawings unless the applicable provisions have been modified by the City Engineer by separate process.*

The applicant has requested, and received approval from the City Engineer for, four (4) modifications to the standards in the Engineering Design Manual and Standard Drawings. The modifications are outlined in a memo from Jim Brink, dated July 28, 2011 which is included in the applicant's materials to this staff report.

The first modification requested is to reduce the required right-of-way width for a Collector street from 62 to 60 feet for SW Rose Biggi Avenue and 50 feet for SW Westgate Drive. The applicant justifies the reduction by stating that a 60-foot right of way is sufficient to accommodate vehicle, bike and pedestrian access. Additionally the applicant states that additional right-of-way width would have impacted an existing building to the north or parking spaces to the south.

The second modification request is to modify the street standard by adding a 7-foot to 8-foot wide parking lane where possible along SW Westgate Drive and SW Rose Biggi Avenue. The justification for the modification is the desire to provide on-street parking in the downtown area and the strong demand from local businesses to have on-street parking.

The third modification requested is to eliminate the 5-foot wide bike lane on both sides of the street within the project limits. The applicant states that the removal of bike lanes matches the existing sections of SW Rose Biggi Avenue and SW Westgate Drive.

The fourth modification requested is to eliminate the 7.0 foot wide planter strip on both sides of the street within the project limits and instead to provide street trees in 5.5 foot by 5 foot tree wells. The applicant states that the tree wells are the standard for the area downtown in the vicinity of The Round development and the proposal would be consistent with other streets in the area.

The City Engineer has reviewed the proposed modifications to the Engineering Design Manual and has approved them.

Therefore, staff finds the proposal meets the criterion for approval.

5. *The alignment of the new or extended public transportation facility is consistent with the general location shown in the Comprehensive Plan Transportation Element.*

Figure 6.4 of the Transportation System Element of the Comprehensive Plan shows the extension of SW Rose Biggi Avenue from its existing terminus to SW Hall Boulevard. Figure 6.4 also shows SW Westgate Drive connecting SW Rose Biggi and eventually connecting to SW Cedar Hills Boulevard. The proposed streets are generally consistent with the location in the Transportation Element of the Comprehensive Plan.

Therefore, staff finds the proposal meets the criterion for approval.

6. *Any interim improvements have been designed to accommodate future improvement of the facility to ultimate standards.*

The proposed extension of SW Rose Biggi Avenue and SW Westgate Drive is not an interim improvement and has been designed to meet the ultimate build out standards. The project includes a commercial driveway curb cut which will serve future development of the Westgate Theater site and the future extension of SW Center Street. All utilities have been or will be stubbed out on the west side of SW Rose Biggi Avenue as part of this project to serve future development.

Therefore, staff finds that the proposal meets the criterion for approval.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The proposed Public Transportation Facility is part of the Rose Biggi Avenue, Crescent to Hall project which also involves applications for a Sidewalk Design Modification and Tree Plan Two which are being processed concurrently with this application. All requested applications and documents have been filed associated with this project.

Therefore, staff finds that the proposal meets the criterion for approval.

RECOMMENDATION: Based on the facts and findings presented, staff can recommend approval of **PTF2013-0001 (Rose Biggi Extension, Crescent to Hall)**, subject to the conditions of approval found in Attachment E of this report.

ANALYSIS AND FINDINGS FOR SIDEWALK DESIGN MODIFICATION APPROVAL

Section 40.58.05. Sidewalk Design Modification Application; Purpose

The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This section is implemented by the approval criteria listed herein.

Section 40.58.15.1.C. Approval Criteria

In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:

- 1. *The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.***

Section 40.58.15.1.A.1 Threshold: *An application for Sidewalk Design Modification shall be required when the following threshold applies:*

1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.

The applicant's narrative for SDM identifies the changes proposed to the sidewalk and planter strip standards. The applicant proposes areas where the sidewalk varies from six and a half to ten feet in width, always maintaining a four foot unobstructed width. The applicant proposes street trees within tree wells in place of a planter strip. The application meets threshold 1 for a Sidewalk Design Modification.

Therefore, staff find the proposal meets the criterion for approval.

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The City of Beaverton received the appropriate fee for the Sidewalk Design Modification application.

Therefore, staff finds the proposal meets the criterion for approval.

- 3. *One or more of the following criteria are satisfied:***

- a. That there exist local topographic conditions, which would result in any of the following:***
 - i. A sidewalk that is located above or below the top surface of a finished curb.***
 - ii. A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.***
- b. That there exist local physical conditions such as:***
 - i. An existing structure prevents the construction of a standard sidewalk.***
 - ii. An existing utility device prevents the construction of a standard sidewalk.***
 - iii. Rock outcroppings prevent the construction of a standard sidewalk without blasting.***
- c. That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.***
- d. That additional right of way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.***

The applicant states that there is an existing structure that serves as the cooling and refrigeration unit for the Hall Street Grill which prohibits the construction of a ten foot wide sidewalk in that location. The back of the sidewalk will be at the face of the building, allowing a six and a half foot wide sidewalk in that area.

Additionally the applicant states that there are twelve landscape trees close to the back of the proposed sidewalk would have to be removed to meet the ten foot width standard. While these trees are not considered significant trees, they are mature trees which greatly enhance the landscaping in the area. Staff concurs that there are existing structural and natural features which preclude construction of the sidewalk to the full extent required by the code.

With regards to the request to use street tree wells in place of planter strips, the applicant states that there is no separate Engineering Design Manual standard for downtown streets however the streets in the area utilize street tree wells. Additionally in areas where a smaller width sidewalk is necessary to accommodate existing constraints, full planter strips would not allow for a minimum four foot unobstructed sidewalk width. The street tree wells allow the necessary clearance to remain to accommodate those with disabilities. Staff concurs with the application that the use of street tree wells is appropriate at this location given the physical constraints of the adjacent sties.

Therefore, staff finds that the proposal meets the criterion for approval.

4. *The proposal complies with provisions of Section 60.55.25 Street and Bicycle and Pedestrian Connection Requirements and 60.55.30 Minimum Street Widths.*

The applicant states that the proposal complies with provisions of Section 60.55.25 as demonstrated in the narrative provided to this Section (Chap. 60). Staff refers to the Facilities Review findings for approval criterion C in reference to compliance with 60.55. The applicant must show compliance with the Conditions of Approval prior to issuance of a Site Development Permit for the proposed transportation facilities.

Therefore, staff finds that by meeting the conditions of approval, the proposal meets the criterion for approval.

5. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The applicant has submitted this Sidewalk Design Modification application with associated Public Transportation Facility and Tree Plan Two applications. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant at this stage of City review.

6. *The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.*

Staff cites the finding prepared herein in response to Criteria E and F of Facilities Review approval as adequate for supportive findings in response to Criterion No. 6 of SDM approval.

Therefore, staff finds the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **SDM2013-0004 (Rose Biggi Avenue Extension, Crescent to Hall)** subject to the applicable conditions identified in Attachment E.

ANALYSIS AND FINDINGS FOR TREE PLAN TWO APPROVAL

Section 40.90.05 Tree Plan Applications; Purpose

Healthy trees and urban forest provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource. The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of Protected Trees (Significant Individual Trees, Historic Trees, trees within Significant Groves and Significant Natural Resource Areas (SNRAs)), and Community Trees, thus helping to preserve and enhance the sustainability of the City's urban forest.

Section 40.90.15.2.C Approval Criteria

In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. *The proposal satisfies the threshold requirements for a Tree Plan Two application.***

The applicant proposes to remove 14 community trees from the subject site, which meets threshold 1 for a Tree Plan Two application.

- 1. Removal of five (5) or more Community Trees, or more than 10% of the number of Community Trees on the site, whichever is greater, within a one (1) calendar year period, except as allowed in 40.90.10.1.*

Therefore, staff find that the proposal meets the criterion for approval.

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The applicant has paid the required fee for a Tree Plan Two application.

Therefore, staff find that the proposal meets the criterion for approval.

- 3. *If applicable, removal of any tree is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.***

The trees are not proposed for removal to observe good forestry practices. The trees are proposed for removal to accommodate the new bridge and road extension and the associated grading and construction.

Therefore, staff find that the criterion for approval does not apply.

4. *If applicable, removal of any tree is necessary to accommodate physical development where no reasonable alternative exists.*

The trees proposed to be removed must be removed to accommodate the development of the site, including flattening of the slope along the creek in the northwest corner of the bridge to improve the flow along the channel to decrease scour along the bank.

Therefore, staff find that the proposal meets the criterion for approval.

5. *If applicable, removal of any tree is necessary because it has become a nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.*

Property damage or other nuisances are not the reason the trees are being removed. Trees are being removed to facilitate development of the site.

Therefore, staff find that the criterion for approval does not apply.

6. *If applicable, removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.*

The proposed development is for the construction of a public street and bridge which is consistent with the Comprehensive Plan Transportation Element. No alternatives to the proposed location of the street and bridge are reasonable and consistent with the constraints of the built environment in the vicinity of the development.

Therefore, staff find that the proposal meets the criterion for approval.

7. *If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees, [or] to eliminate conflicts with structures or vehicles.*

The trees within and adjacent to the proposed development are proposed for removal to eliminate conflicts with development.

Therefore, staff find that the criterion for approval does not apply.

8 *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination*

The subject site contains a limited Significant Natural Resource Area (SNRA) due to the wetlands on either side of the bank of Beaverton Creek. The trees to be removed for improved contouring are within the SNRA. Revegetation, including the planting of trees, is proposed for the area proposed to be disturbed. The removal of the trees within the SNRA will not result in a reversal of the wetland determination.

Therefore, staff find that the proposal meets the criterion for approval.

- 9. *If applicable, removal of a tree(s) within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.***

The trees to be removed in the SNRA are in one confined area and will not result in a windthrow hazard for the remaining trees.

Therefore, staff find that the proposal meets the criterion for approval.

- 10. *The proposal is consistent with all applicable provisions of Section 60.60 Trees and Vegetation and Section 60.67 Significant Natural Resources.***

Staff cites the Code Conformance Analysis chart at the end of the Tree Plan Staff Report, which evaluates the project as it relates to applicable code requirements of Sections 60.60 through 60.67, as applicable to the aforementioned criterion. As demonstrated on the chart, the proposal complies with all applicable provisions of Chapter 60.60 and 60.67.

Therefore, staff find by meeting the Conditions of Approval, the proposal meets the criterion for approval.

- 11. *Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

This approval criterion is identical to Facilities Review approval criterion G and the response contained within the revised Facilities Review report (Attachment A, above) is hereby cited and incorporated.

Therefore, staff find that the proposal meets the criterion for approval.

- 12. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

The submitted tree plan proposal contained all applicable submittal requirements

necessary to be deemed complete.

Therefore, staff find that the proposal meets the criterion for approval.

13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

The applicant has submitted this Tree Plan Two application with associated Public Transportation Facility and Sidewalk Design Modification applications for this project. Concurrent review of the applications satisfies this criterion. No other applications are required of the applicant at this stage of City review.

Therefore, staff find that the proposal meets the criterion for approval.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **TP2013-0005 (Rose Biggi Avenue Extension, Crescent to Hall)** subject to the applicable conditions identified in Attachment E.

Code Conformance Analysis

Chapter 60.60 Trees and Vegetation & Chapter 60.67 Significant Natural Resources

CODE SECTION	CODE REQUIREMENT	PROJECT PROPOSAL	MEET STANDARD
60.60.15 Pruning, Removal, and Preservation Standards			
60.60.15.1A-B	Pruning Standards	All pruning must comply with the City's adopted Tree Planting and Maintenance Policy.	YES w/COA
60.60.15.2.A	Removal of Protected Trees must be in accordance with this section.	The proposed tree removal complies with this section (see findings below).	YES w/ COA
60.60.15.2.B	Mitigation is required as set forth in 60.60.25	Mitigation is not required for community trees	N/A
60.60.15.2.C.1	Standards for SNRA & Significant Groves	No mitigation is required.	N/A
60.60.15.2.C.2	DBH shall be retained in cohesive Preservation Areas.	No preservation areas are proposed.	N/A
60.60.15.2.C.3	Native understory vegetation and trees shall be preserved in Preservation Areas.	No preservation areas are proposed.	N/A
60.60.15.2.C.4	Preservation Areas shall be clustered and connect with adjoining portions of the SNRA or Significant Grove.	No preservation areas are proposed.	N/A
60.60.15.2.C.5	Preservation Areas shall be set aside in conservation easements.	No preservation areas are proposed.	N/A
60.60.15.2.C.6	Preservation Areas conditioned for protection through the Land Division process.	No preservation areas are proposed.	N/A
60.60.15.2.C.7	Native species shall be preferred for preservation over non-native species.	Trees are proposed to be removed for development.	N/A
60.60.15.2.C.8	Hazardous and dead trees should be fallen only for safety and left at the resource site unless the tree has been	No hazardous or dead trees are proposed to be removed.	N/A

	diagnosed with a disease.		
60.60.20 Tree Protection Standards During Development			
60.60.20.1	Trees shall be protected during construction by a 4' orange plastic fence and activity within the protected root zone shall be limited. Other protections measures may be used with City approval.	Protection measures are proposed in conformance with section 60.60.20, including construction fencing and efforts to ensure minimal impacts to existing vegetation that is to be retained. Some trees closer to development may need alternative protections measures. Staff recommends a condition of approval that the applicant adhere to Section 60.60.20 unless modified in agreement with the City Arborist.	YES w/ COA
60.60.25 Mitigation Requirements			
60.60.25	Mitigation Standards: (60.60.25.2.B) if less than 50% of the total DBH is proposed for removal no mitigation is required.	Less than 50% of the trees are proposed to be removed. Mitigation is not required.	N/A
60.67 Significant Natural Resources			
60.67.05.1	Development activities in locations of possible significant natural resources and/or wetlands are subject to relevant procedures identified in Chapter 50.	The proposed development and associated tree removal is subject to the relevant procedures identified in Chapter 50 including types 1, 2 and 3 land use applications.	YES
60.67.15.2	For sites identified in the Local Wetland Inventory notice of the proposed development shall be provided to DSL.	Notice was provided to DSL,	YES
60.67.10	Development activities in locations of Significant Riparian Corridors are subject to relevant procedures identified in Chapter 50.	The proposed development and associated tree removal is subject to the relevant procedures identified in Chapter 50 including types 1, 2 and 3 land use applications.	YES

CONDITIONS OF APPROVAL

A. Prior to issuance of the site development permit, the applicant shall:

1. Submit the required plans, application form, CIP information, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
2. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
3. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
4. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for sensitive area impacts and vegetative corridor mitigation. (Site Development Div./JJD)
5. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City. The applicant shall use the 2006 plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (For more information and to access the new format, see: <http://www.cleanwaterservices.org/PermitCenter/PermittingProcess/ErosionControl.aspx> (Site Development Div./JJD)
6. Submit a copy of issued permits or other approvals needed from the State of Oregon Division of State Lands and the United States Army Corps of Engineers (for work within a jurisdictional wetland).
7. Provide a final engineering analysis of the grading and construction work proposed within the 100-year floodplain and floodway as necessary to allow for a public notice to be published in a local newspaper by the City Engineer for the proposed floodplain modifications. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Resolution and Order 2007-020 as they refer to the 100 year floodplain, prior to this notice being sent. The public notice and a 10 day appeal period shall occur after final approval of the site development permit plans by the City Engineer and Planning Director. (Site Development Div./JJD)
8. When or as required, have obtained the City Building Official's courtesy review approval of the proposed site utility plan for affected private plumbing needed to be reconstructed or relocated including private fire suppression systems, backflow prevention measures, and regulated utility service locations. (Site Development Div./JJD)

9. Submit to the City a certified impervious surface determination of the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area for the entire project and affected individual lots. (Site Development Div./JJD)
10. Pay storm water system development charges (overall system conveyance and winter storm detention) for any net new impervious area added to the affected private properties. Additionally, the project shall pay a storm water quality (summer treatment) in-lieu of fee for any existing impervious area on each legal lot determined by the City Engineer not to practical to provide treatment in any single phase as the entire project is defined as "redevelopment" under Clean Water Services standards. (Site Development Div./JJD)
11. Provide plans for street lights (Option C) and for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. If existing utility poles must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
12. Submit a revised plan that shows the driveway on the east side of Rose Biggi Avenue, nearest the Westgate/Rose Biggi intersection, located at a distance further from the intersection that is acceptable to the City Engineer (a distance of approximately 80 feet from the intersection, or as approved by the City Engineer). (Transportation/JK)

B. Prior to building permit issuance, the applicant shall:

13. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
14. Have a professional architect, engineer, or surveyor submit plans and specifications to the City Engineer and City Building Official verifying that all at-risk elements of the new construction (in particular gate controllers, mechanisms, and electrical system) are either elevated or floodproofed as appropriate per City Code, FEMA requirements, IBC Appendix G (Flood-resistant Construction), and ASCE/SEI 24-05, and as determined by the City Engineer and City Building Official to at least (181.0 feet NAVD-88; 177.5 feet NGVD-29.) one foot above

the base flood elevation (180.0 feet NAVD-88; 176.5 feet NGVD-29). (Site Development Div./JJD)

C. Prior to final inspection of any building permit, the applicant shall:

15. Install or replace, to City specifications, all sidewalks, curb ramps and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the house frontage. (Site Development Div./JJD)
16. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
17. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form (elevation certificate), to the City Building Official, verifying that all at-risk elements of the new construction are either elevated or floodproofed as appropriate per City Code and FEMA requirements, and as determined by the City Engineer and City Building Official at permit issuance, to at least (181.0 feet NAVD-88; 177.5 feet NGVD-29.) one foot above the base flood elevation (180.0 feet NAVD-88; 176.5 feet NGVD-29). (Site Development Div./JJD)
18. All pruning must comply with the City's adopted Tree Planting and Maintenance Policy. (Planning Division/JF)
19. The applicant must comply with the tree protection provisions of Section 60.60.20 of the Development Code, unless modified in agreement with the City Arborist. Plans showing compliance with these standards, including placement or orange tree fencing shall be provided prior to Site Development Permit issuance. (Planning Division/JF)